

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

-against-

Nikoloz Jikia,

Defendant.

18 CV 5754 (LAP)

17 CR 350 (LAP)

ORDER

LORETTA A. PRESKA, SENIOR UNITED STATES DISTRICT JUDGE:

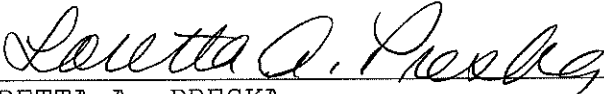
Before the Court is Nikoloz Jikia's pro se motion to vacate his conviction under 18 U.S.C. § 924(c). After receiving Mr. Jikia's petition, the Supreme Court decided United States v. Davis, 139 S. Ct. 2319 (2019), which held that § 924(c)'s residual clause was unconstitutionally vague. In light of that decision, the Government agreed "that defendant's conviction on Count 2 can no longer stand, because a conspiracy to violation [sic] §1958 qualifies as a 'crime of violence' under 18 U.S.C. § 924(c)(3) only under the 'residual' clause of that statute." (See Dkt. No. 15 in 18-cv-5754.)

Mr. Jikia, represented by CJA counsel, had his conviction set aside and pleaded guilty to Count 1 of a superseding information. (See dkt. no. 1243 in 17-cr-350.) He was subsequently sentenced to 84 months imprisonment. (See dkt. no. 1255 in 17-cr-350.)

Accordingly, Mr. Jikia's § 2255 petition and his motion for appointment of counsel for purposes of that petition (dkt. nos. 12 and 14 in 18-cv-5754) are DENIED as moot. The Clerk of the Court is directed to close the open motions and to mail a copy of this order to Mr. Jikia.

SO ORDERED.

Dated: March 29, 2022
New York, New York


LORETTA A. PRESKA
Senior United States District Judge